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MEMO ENDORSED

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May 16, 2013

*Via Electronic Mail to*

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Honorable Richard J. Sullivan  
United States District Judge  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 640  
New York, New York 10007

**Re: *United States of America v. John A. Mattera*, Case No. 1:12-cr-00127-RJS  
(S.D.N.Y.)**

Dear Judge Sullivan:

The law firm of Schoeppl & Burke, P.A. represents Defendant John A. Mattera in the above-captioned case. On October 2, 2012, Mr. Mattera entered a guilty plea. By Order of the Court dated February 27, 2013 [DE 40], Mr. Mattera's sentencing hearing is presently set for Friday, June 7, 2013, at 11:30 a.m., with the Defendant's Sentencing Memorandum due by May 24, 2013 and the Government's Sentencing Memorandum due by May 31, 2013.

We are writing to Your Honor to respectfully request an adjournment of the foregoing dates because of a conflict with the ongoing final hearing in a particularly complex FINRA arbitration, *Lenore Tepper, Anise Schneiderman, and Montana Queler v. UBS Financial Services, Inc. and David M Simon*, FINRA Case No. 11-04660 (the "Tepper Arbitration"). The final hearing in the Tepper Arbitration, which has been granted expedited status as a result of the advanced age of Mrs. Lenore Tepper, has been more protracted than expected. After an initial final hearing that extended over the course of two full weeks and was not completed, the final hearing has been rescheduled to continue in one week blocks during the weeks of May 20-24, 2013; June 3-7, 2013; and June 24-28, 2013. While we realize that a federal criminal sentencing hearing would normally take precedence

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over a FINRA arbitration final hearing, because of the advanced age of Mrs. Tepper, and the number of schedules affected (the arbitrators, counsel, witnesses, parties, etc.), we are respectfully requesting an accommodation from the Court.

We are submitting this request to adjourn the deadlines for the filing of Mr. Mattera's sentencing memorandum, the Government's response thereto, and the date for the sentencing hearing.<sup>1</sup> The undersigned counsel has conferred with Eugene Ingoglia, Esq., Assistant United States Attorney, regarding this request. Mr. Ingoglia stated that the Government does not oppose this request.

Respectfully submitted,

**SCHOEPPL & BURKE, P.A.**

By: Carl F. Schoeppl  
Carl F. Schoeppl  
Counsel for Defendant John A. Mattera

CFS/mb

Copies Furnished To: *(Via Electronic Mail and United States Mail)*

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<sup>1</sup> For scheduling purposes, please note that the undersigned counsel will be out of the country between July 1, 2013 and July 15, 2013.

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The request is granted. Sentencing is adjourned to June 21, 2013 at 10:30 a.m. Defendant shall make his sentencing submission by June 7, 2013. The government shall make its submission by June 14, 2013.

SO ORDERED

Dated:

5/16/13

RICHARD J. SULLIVAN  
U.S.D.J.

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